THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6735 OF 2006

DATED: 06-04-2006

BETWEEN

M/s. M.S. Textiles, a partnership Firm regd. Under the provisions Of the Indian Partnership Act, 1932, at Mulgi bearing Municipal No.21-1-1002, Rikabgunj, High Court, Hyderabad, rep. by its Partner, Mohd. Siddique S/o. Late Mohd. Mahamood, R/o. Hyderabad.

…PETITIONER

AND

Municipal Corporation of Hyderabad, Rep. by its Commissioner, Hyderabad and others.

…RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the Standing Counsel appearing for the first respondent.

Learned counsel for the petitioner submits that the petitioner is a partnership firm registered under the provisions of the Indian Partnership Act, 1932 and is running a wholesale saree center in mulgi bearing Municipal No.21-1-1002, Rikab Gunj, Hyderabad having obtained requisite permission from the statutory authorities.

He further submits that the said mulgi is situated in public lane of about 10 feet width and the respondents 2 and 3, who are tenants of the neighbouring mulgi bearing premises No.21-1-1008, recently started illegal construction, without obtaining any permission from the first respondent by encroaching

about 4 feet of the said public lane thus leaving only 6 feet as the total width is 10 feet. Therefore, the petitioner filed representations before the Commissioner, Municipal Corporation of Hyderabad, dated 23.03.2006, 28.03.2006 and 31.03.2006, which have been acknowledged but no action has been taken so far. He further submits that though the respondents 2 and 3 are making illegal construction encroaching the public lance causing inconvenience to the passers by, the petitioner and its customers, the statutory authority is not taking any action to demolish the said illegal construction made by the unofficial respondents.

I am of the opinion that it is the duty of the Municipal Corporation of Hyderabad to see that the encroachments are not made on the public lanes or roads and also to see that no one violates the sanction plan and permit of the authorities.

Having regard to the facts and circumstances of the case,
the first respondent is directed to consider the representations of the petitioner dated 23.03.2006, 28.03.2006 and 31.03.206 and take appropriate action in accordance with law after giving reasonable opportunity to the petitioner and the respondents 2 and 3.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

April 6, 2006
DSK